

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF TEXAS

RECEIVED

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CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS**JUDGE KATHLEEN CARDONE**Form To Be Used By A Prisoner in Filing a Complaint
Under the Civil Rights Act, 42 U.S.C. § 1983Alejandro Fierro Maldonado #80969-280
Plaintiff's name and ID numberGiles W. Dalby Correctional Facility
Place of Confinement**EP 14 CV 0255**

(Clerk will assign the number)

v.

West Texas Detention Facility,
Defendant's name and addressWest Texas Health Service,
Defendant's name and addressHealth Service Supervisor,
Defendant's name and addressWest Texas Facility Officer 1-100**INSTRUCTIONS - READ CAREFULLY****NOTICE:****Your complaint is subject to dismissal unless it conforms to these instructions and this form.**

1. To start an action you must file an original and one copy of your complaint with the court. You should keep copy of the complaint for your own records.

2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE. ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.**

3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure.

Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.

4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate District Court, the Division and an address list of the Divisional Clerks.

FILING FEE AND IN FORMA PAUPERIS

1. In order for your complaint to be filed, it must be accompanied by the filing fee of \$350.00.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire \$350 filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion (s) for any other relief. Failure to file a **NOTICE TO THE COURT OF CHANGE OF ADDRESS** may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuits in state or federal court relating to your imprisonment? YES ☒ NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
 1. Approximate date of filing lawsuit: _____
 2. Parties to previous lawsuit:
Plaintiff(s) _____
Defendant(s) _____
 3. Court: (If federal, name the district; if state, name the county.) _____
 4. Docket Number: _____
 5. Name of judge to whom case was assigned: _____
 6. Disposition: (Was the case dismissed, appealed, still pending?) _____
 7. Approximate date of disposition: _____

II. PLACE OF PRESENT CONFINEMENT: Giles W. Dalby Correctional Facility

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution?

___ YES ☒ NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff:

Alejandro Fierro Maldonado is actually incarcerated in the Dalby Correctional Facility located at 805 North Avenue F. Post, Texas 79356.

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: West Texas is a detention facility is located at 401 S. Vasquero, Ave. Sierra Blanca, TX 79851.

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you. Liabic in respondeat superior for its employees.

Defendant #2: West Texas Health Service is a department of Defendant West Texas facility.

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Legally resposible for the health Service of West Texas

Defendant #3: Health Service Supervisor is legally responsible for the health of West Texas and for the wellfer of all inmates.

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Deliberate indifference to elementary medical needs.

Defendant #4: West Texas Health Service Employees 1-100 were the agents, servants and employees of each of the other defendants.

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Legally responsible in some manner for the events and happenings herein alleged.

Defendant #5:

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

Plaintiff is suing Defendants alleging they exercised deliberate indifference to his serious medical needs by not providing him adequate care when he was designated to the West Texas Detention Facility located in Sierra Blanca, in 2012. He further alleges that such defendants subjected Plaintiff to the aforementioned deprivations by either actual malice, deliberate indifference or a reckless disregard of his rights under the U.S. Constitution. Said Defendant acted at all times herein knowing full well that the established practices, customs, procedures and policies of the Bureau of Prison would allow a cover-up and allow the continued violation of the United States Constitution. On the date of Plaintiff having been subjected to the illegal deprivation activity by the Defendant as indicated above, acting within the course and scope of their duties as peace officers of West Texas Facility and the BOP, deprived Plaintiff of his rights to be free from unreasonable deprivation of medical care as delineated herein above, and thereafter in violation of Plaintiff's right to be free from cruel and unusual punishment.

VI. RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Plaintiff prays for general, special, exemplary and punitive damages in an amount according to proof; seeks interest as allowed by law, cost of suit incurred herein, attorney's fees as allowed by code, and such other and further relief as may be just and proper.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if known to you.

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division):

2. Case Number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied?

YES ☐ NO ☐

- C. Has any court ever warned or notified you that sanctions could be imposed? _____ YES ☒ NO
- D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): _____
2. Case Number: _____
3. Approximate date warnings were imposed: _____

Executed on: 01/16/13
DATE

Alejandro Fierro Maldonado
Alejandro Fierro M.
(Signature of plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$350 filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from my inmate account by my custodian until the filing fee is paid.

Signed this 14 day of January, 2013
(Day) (month) (year)

Alejandro Fierro Maldonado
Alejandro Fierro M.
Alejandro Fierro M.
(Signature of plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.

Reorder from: IC/Great Western Business Forms • 800-733-4277

GILES W. DALBY CORRECTIONAL FACILITY
INMATE REQUEST FORM

To: Ms. Grandine

Date: 07/02/14 JUDGE KATHLEEN CARDONE

Inmate Name: ~~For [REDACTED]~~ Alejandro Ferro

Number: 00069-286

Housing: E1 1072

Request: Please complete the attache certificate of inmate account and forward it at the court.

Staff Response:

Staff Signature

Date

INMATE AFTER STAFF RESPONSE